

## **DDDS Task Force – Sub-committee #5 - Prevailing Service Delivery Issues**

### **Recommendation: Peer Review of Behavior Intervention Strategies (PROBIS)**

**11/20/19**

**Recommendation #1    PROBIS must review each plan that is electronically submitted provided that the plan is submitted two weeks prior to the review date.**

PROBIS frequently fails to review submitted Behavior Support based upon stringent clerical guides. These denials of review include but are not limited to: Packets not being received electronically by 12:00 two Tuesdays before the scheduled review, PROBIS being unable to find DDDS confirmation that the packets were received on time, Signature issues (there are seven pages of signatures), consent issues (verbal consents being more than 30 days old). These clerical denials are counterproductive to the process and are detrimental to the individual and the support staff who are entitled to clear programming and guidance.

**Recommendation #2    PROBIS should no longer be allowed to “not approve” Behavior Support Plans.**

PROBIS is failing to approve Behavior Support plans for a number of reasons including: disagreement with how target behaviors are defined, wanting information in the plan moved from one section to another and unhappiness with specific words in the plans. Current co-chairs of the committee will offer differing guidance and will delay approvals until each chair has had proposed changes made. This cumbersome process has delayed plan approvals for more than one year. Again, this is leaving the individual, support staff, provider agency, and the Division in a vulnerable position.

DDDS needs to be able to strike from a Behavior Support Plan any instruction to engage in a prohibited practice but otherwise needs to either approve the plan or in the case of clerical issues, missing signatures or documents, “approve pending receipt” of the required information. In cases where the PROBIS committee desires changes to the Behavior Support Plan not involving prohibited practices, the committee should be limited to “recommending” these changes.

Prohibited practices include:

1. Aversive interventions: i.e. interventions intended to inflict pain, discomfort and/or social humiliation in order to reduce behavior. Examples of aversive interventions include, but are not limited to, electric skin shock, liquid spray to one’s face and strong, non-preferred tastes applied in the mouth. (NASDDDS definition)
2. Floor restraint or mechanical restraint
3. The use of isolation or seclusion
4. Requiring individuals to re-earn something that is already theirs
5. Any action that is illegal under current law

**Recommendation #3** PROBIS Chairperson(s) should be required to have a minimum of several years of experience writing and implementing behavior support plans in community adult services settings. BCBA accreditation would be the national standard for this position.

The actions of the PROBIS committee and Chairs over the past couple of years have led to well over a hundred individuals with disabilities being denied critical behavioral supports (see attached Division email). It appears that this committee has lacked an understanding of the need for behavior support plans and the process that unfolds as paper plans are turned into actual services. It is recommended the Division make immediate changes to the supervision of PROBIS which should include current DDDS staff who have a wealth of experience in providing behavioral services to people living in community settings; until new Chairperson(s) can be identified having the national acceptable background and experience. This immediate change in oversight of PROBIS would likely lead to quick and dramatic improvement of the PROBIS process.

**Recommendation #4** PROBIS needs to return to what it was intended to be, a Peer review committee.

The current PROBIS committee consists of 1-3 individuals who have limited to no background in the adult behavioral programming field and behavioral plans are not being reviewed in a committee process. PROBIS needs to involve a consistent committee made up of several peers who all have a wealth of experience in the behavioral support field and all have a common goal of attaining the best possible supports for the individuals in our care and making sure those supports are approved and implemented in a timely manner.

### BSP approval history of individual with suicidal behavior

Behavior Support Plan last approved by PROBIS – 5/2017

5-16-18 Individuals behavior support plan scheduled for annual review. BA was unable to get a signature from the guardian because the guardian was ill. Review rescheduled for 8-1-18

8-1-18 PROBIS reviewed behavior support plan. PROBIS didn't approve the plan primarily because the plan called for staff to have a key to every door in the house. PROBIS didn't disagree with this but considered it a restrictive procedure and consequently wanted the plan written differently listing this as a restriction in the restriction section. Review rescheduled for October 2018.

10-3-18 BA received notification from the PROBIS committee stating that they wanted to review the behavior support plan that day. BA informed them that I was expecting the plan to be reviewed on the third Wednesday of the month as is typical. BA didn't have the required signatures on 10-3-18 so the plan wasn't reviewed.

12-28-19 BA submitted behavior support plan for review on 1-2-19. With submission, BA informed the committee I wasn't expecting them to review the plan on 1-2-19 since I wasn't submitting it to them two weeks prior to 1-2-19 but that if they were going to review it on that date, to let me know so that I could attend the review. – No response was received from the committee

1-2-19 8:13 AM. BA contacted the secretary of the office where PROBIS was to meet and asked to speak with the committee. BA informed that the committee had cancelled the conference room where they were to meet and it didn't look like they planned to meet. BA asked secretary to have the committee call me if they showed up. – At the scheduled time of the review the committee called BA and said that they would review the case if I brought them paper copies of the packet that had been submitted to them on 12-28. BA drove from Millsboro to Dover delivering these copies to them as requested then they didn't review the case.

6-19-19 PROBIS reviewed and approved the behavior support plan (No approved plan for approx. 2 years)

### PROBIS Review history of an individual known to be a sexual predator

Behavior Support plan last approved by PROBIS – 10/2017

November 2018 Behavior support plan reviewed and rejected by PROBIS because they wanted BA to expand on part of response to Physical Aggression where BA stated "insure his safety". Other specific supports for this were included in the BSP. Also PROBIS wanted the titration statement to say "Plan to fade will be discussed at least annually"

March 2019 Transferred to new Agency. Not enough time to present

June 2019 Behavior support plan reviewed and rejected by PROBIS because the support plan restricted him from going to places that predominately cater to children and in an example said "places like ..." The committee thought this was too vague.

July 24 2019 Schedule for this PROBIS was sent out by DDDS and he wasn't on it so he wasn't presented. PROBIS then claimed "BA not ready to present"

November 6, 2019 BA waited one hour and forty-five minutes past review time and finally had to leave. The committee hadn't given the BA any indication as to if or when they would be able to review the plan.

November 13, 2019 PROBIS review – Plan rejected. The committee wanted the definition of physical aggression expanded to include examples.

### BSP approval history of individual in crisis with dramatic change in behaviors

Behavior Support Plan last approved by PROBIS – March 2017

Individual had a drastic change in behaviors at the end of 2018. Aggression, agitation, elopement, stripping, food stealing, and several other new behaviors emerged.

BA had made requested revisions and was waiting on signatures at the time of 5/2018 PROBIS meeting. Re-scheduled again due to lack of signatures.

7/16/18 – Presentation re-scheduled due to a change in BA

8/28/18 – New BA took over.

11/28/18 – BA contacted PROBIS committee requesting to get the individual scheduled due to extreme behavior change and the previous 2017 approved plan no longer addressed the client's needs. BA was asked if there were any restrictions and replied no. Was told that unless it was a request for an emergency restriction, it would be seen in March for the annual review (plan is now one year out of compliance).

Client now required 1:1 staffing at day program and residence, was aggressing on almost a daily basis, and the residential provider was discussing discharge due to behaviors.

PROBIS moved the March presentation back to April with no explanation to the BA. 3/15/19 – BA contacted PROBIS to explain that the individual was in crisis and the plan needed to be reviewed as soon as possible. BA asked if there was an issue with the plan that needed to be revised or if the scheduled date was changed for another reason. No response from PROBIS

3/22/19 – BA had still not received a response from PROBIS. Residential Director followed up to the email with concern that the client was in crisis and the staff were addressing behavior concerns without an approved plan. Client was having episodes of running into traffic and disrobing in public.

3/22/19 – Mary Carol responded questioning if the issue was that a PROBIS note wasn't received. BA confirmed that a note was received that said the ***plan was not reviewed due to lack of guardian signature. Guardian had terminal cancer and BA had provided multiple notes with the submitted packet documenting issues with attempts to get guardian signature. In fact, the guardian passed away within a few months of the plan being approved.***

After several emails and discussions with DDDS, PROBIS did an emergency review in late March 2019 but still wanted the plan presented by the BA in April. The plan was presented in April and was approved. PROBIS had complete disregard for the urgency of the situation and individual in crisis went two years without an approved plan to meet crisis level needs.

BSP approval history of individual with extensive history of physical aggression

Behavior Support Plan last approved by PROBIS May of 2017

May 2018 plan not approved for clarification on responsive supports for inappropriate behavior

Plan does not receive final approval until December 2018 because of clerical critiques.

Presented plan May 2019 with all current information no changes to TB, proactive, responsive supports or contracts/ restrictions- (Same plan as 2018)

May 29, 2019 PROBIS review by Co-chair. Not approved, changes need to be made for responsive supports. New Signatures must be obtained. Rescheduled 9/11/19. Plan is being move by PROBIS in direction with no guidance for physical aggression.

9/11/19 PROBIS review new questions. Not approved for the following. What does ample time mean to him- this was not addressed in May and is located in section 7 proactive supports which are located before section 7 responsive supports.

Previous section questioned in May was revised was not accepted PROBIS stated BA and supervisor needed to review DDDS Behavior Support Policy and specified Aversive intervention and sent copy of policy along with comments. Needs new signatures next review 12/4/19.

Changes were made as directed by PROBIS, counterproductive to support level needs.

Guardians/parents outraged at plan changes and the requirement to sign all documents for a third time.

October 28, 2019 PROBIS added extra day plan reviewed again by Co-Chair plan Not approved. Directive followed by previous co-chair the section 7 responsive supports changes were made to is now not detailed enough for the second reviewer.

PROBIS now wants more clarity for definition of PA and should not include language of (example or such as)

Next PROBIS date is 2/5/2020 – This individual goes for extended periods without approved behavior plans.

***Sent on Behalf of Kami Giglio, Assistant Director of Community Services for Policy and Planning:***

November 13, 2019

Dear Behavior Consultation Provider Behavior Analyst Supervisors,

There are currently 118 overdue Behavior Support Plans across the State of Delaware for DDDS service recipients. DDDS is asking your assistance to help us address the barriers or challenges in each plan so they can each be approved by PROBIS by no later than December 31. Our service recipients will be better supported by teams working with approved behavior support plans and strategies.

Over the next several weeks the DDDS Behavior Support unit staff will be contacting you to schedule a time to meet with each of you individually to review and discuss each overdue plan. DDDS will work collaboratively with each provider representative to review the PROBIS notes for plans that need to be re-presented and will provide technical assistance where there are challenging questions and circumstances that need to be addressed. We encourage agency BA Supervisors to take this opportunity to work closely with your BAs to resolve the issues that have resulted in the plan not being approved and reach out to the DDDS Behavior Support unit staff for additional assistance whenever needed. DDDS has scheduled 2 additional re-present PROBIS dates for the month of December. The current upcoming full-day PROBIS re-presentation dates are:

- 12/3/19
- 12/4/19
- 12/10/19
- 12/17/19
- 1/8/2020
- 2/5/2020

DDDS will schedule additional re-presentation dates as plans are ready for review. Please contact DDDS to schedule plans for re-presentation as soon as they are complete and ready for presentation.

Please contact the following DDDS representatives with questions, concerns or to share optimal meeting dates: [Dorothy.Prior@delaware.gov](mailto:Dorothy.Prior@delaware.gov), [MaryCarol.Beard@delaware.gov](mailto:MaryCarol.Beard@delaware.gov), [Karen.Blakely@delaware.gov](mailto:Karen.Blakely@delaware.gov), or [Kamin.Giglio@delaware.gov](mailto:Kamin.Giglio@delaware.gov)

We look forward to working with you and your team to create an efficient and collaborative behavior support service environment for all DDDS service recipients who require behavior support plans.

Thank you,

Kami Giglio  
Assistant Director of Community Services for Policy and Planning  
Division of Developmental Disabilities Services  
Stockley Center 101 Boyd Blvd.  
26351 Patriots Way  
Georgetown, DE 19947